

CARUSO POPE SMITH EDELL PICINI

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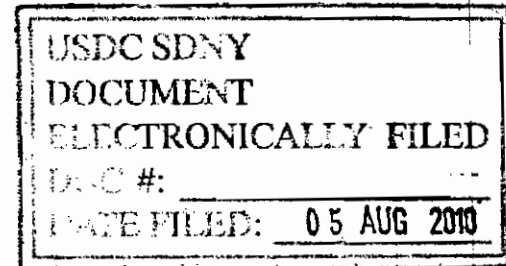
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ANTHONY J. POPE, ESQ.
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August 4, 2010

Via Facsimile Only (212-805-0426)

The Honorable Laura Taylor Swain, U.S.D.J.
United States District Court
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007



Re: **Casso v. Carlo**
Docket No.: 09-cv-520 (LTS)

MEMO ENDORSED

Dear Judge Swain:

Pursuant to your Law Clerk's instructions, please accept this letter sent via facsimile as an official request by this firm to adjourn the conference scheduled for Friday, August 6, 2010 on the above-captioned matter.

I sincerely apologize to Your Honor. It was my understanding that Friday's appearance was to argue Plaintiff's Motion for Judgment by Default, and Plaintiff is prepared to proceed on that matter should Your Honor require oral argument. However, I have not submitted Your Honor's joint pre-trial order because of the belief that Friday's appearance was to address Plaintiff's motion. Additionally, it remains the Plaintiff's position that a joint submission at this time would be impossible as the Defendant remains in default, and has not answered the complaint. As the Plaintiff has maintained, Mr. Aronson's response to Plaintiff's motion without entering an appearance is erroneous. Nevertheless, I will oblige Your Honor's pre-trial order unilaterally if that is the Court's desire. To that end, I am respectfully requesting an adjournment of this Friday's appearance so same may be completed.

Your Honor's attention to this matter is greatly appreciated. Should you have any questions, I am at Your Honor's disposal.

*The initial conference is adjourned to
October 29, 2010, at 10:00 AM.*

SO ORDERED.

Very truly yours,
CARUSO POPE SMITH EDELL PICINI, P.C.

NEW YORK, NY

[Signature]
LAURA TAYLOR SWAIN

UNITED STATES DISTRICT JUDGE

[Signature]
ANTHONY J. POPE, ESQ

cc: Kenneth Aronson, Esq. (via facsimile)
Enc.